

1 MAXWELL M. FREEMAN, #31278
2 LEE ROY PIERCE, JR., #119318
3 MICHAEL L. GUREV, #163268
4 THOMAS H. KEELING, #114979
5 FREEMAN, D'AUTO, PIERCE,
6 GUREV, KEELING & WOLF
7 A PROFESSIONAL LAW CORPORATION
8 1818 Grand Canal Boulevard, Suite 4
9 Stockton, California 95207
10 Telephone: (209) 474-1818
11 Facsimile: (209) 474-1245
12 E-mail: lpierce@freemanfirm.com
13 mgurev@freemanfirm.com
14 tkeeling@freemanfirm.com

15 Attorneys for Defendants A.G. Spanos
16 Construction, Inc.; A.G. Spanos
17 Development, Inc.; A.G. Spanos
18 Land Company, Inc.; A.G. Spanos
19 Management, Inc., the Spanos Corporation

20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 National Fair Housing Alliance, Inc., et al.,	)	CASE NO. C07-03255-SBA
)	
23 Plaintiffs,	)	[PROPOSED] ORDER GRANTING
	)	DEFENDANTS A.G. SPANOS
24 vs.	)	CONSTRUCTION, INC.; A.G. SPANOS
	)	DEVELOPMENT, INC.; A.G. SPANOS
25 A.G. Spanos Construction, Inc., et al.	)	LAND COMPANY, INC.; A.G.
	)	SPANOS MANAGEMENT, INC., AND
26 Defendants.	)	THE SPANOS CORPORATION'S
	)	MOTION FOR MORE DEFINITE
	)	STATEMENT RE FIRST AMENDED
	)	COMPLAINT

27 [Fed. R. Civ. P. 12(e)]

28 Hearing Date: February 26, 2008
Time: 1:00 p.m.
Dept.: Courtroom 3

Complaint Filed: June 20, 2007

29 The motion of Defendants A.G. Spanos Construction, Inc., A.G. Spanos Development,
30 Inc., A.G. Spanos Land Company, Inc., A.G. Spanos Management, Inc., and the Spanos
31 Corporation, appearing through counsel, for an order for more definite statement re the First
32 Amended Complaint under Federal Rules of Civil Procedure, rule 12(e), came on regularly for
33 hearing on February 26, 2008, at 1:00 p.m., in Courtroom 3 in the above-entitled court,

1 located at 1301 Clay Street, 3rd Floor, Oakland, California, the Honorable Sandra Brown
2 Armstrong presiding. Lee Roy Pierce, Jr. and Thomas H. Keeling appearing on behalf of
3 Defendants, and Michael Allen appearing on behalf of Plaintiffs.

4 Having read and considered the documents submitted in support of and in opposition to
5 the motion and the arguments of counsel, and good cause appearing therefor, the Court rules as
6 follows: (1) the complaint is uncertain with respect to the number of apartment complexes sued
7 on; (2) the allegations of plaintiffs' First Amended Complaint are vague and ambiguous with
8 respect to plaintiffs' standing to sue for damages or injunctive relief under the Fair Housing
9 Amendments Act because plaintiffs do not allege facts sufficient to establish the irreducible
10 constitutional minimum for standing under Article III of the U.S. Constitution. For these
11 reasons,

12 IT IS HEREBY ORDERED that the motion for more definite statement is granted.

13 Dated: _____, 2008

14 _____
15 Honorable Sandra Brown Armstrong
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28